HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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PATENT APPLICATION

ATTORNEY DOCKET NO. 10010811-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Tim M. Hoberock et al.

Confirmation No.: 1566

Application No.: 09/976,068

Examiner: TRAN, Ellen C.

Filing Date: October 11, 2001

Group Art Unit: 2134

Title: Computer or Computer Resource Lock Control Device and Method of Implementing Same

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on March 31, 2008 .

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

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Typed Name: Rebecca R. Schow

Signature:

Respectfully submitted,

Tim M. Hoberock et al.

By

Steven L. Nichols

Attorney/Agent for Applicant(s)

Reg No. : 40,326

Date : May 30, 2008

Telephone : 801-572-8066

Rev 10/07 (ReplyBrf)

DUPLICATE

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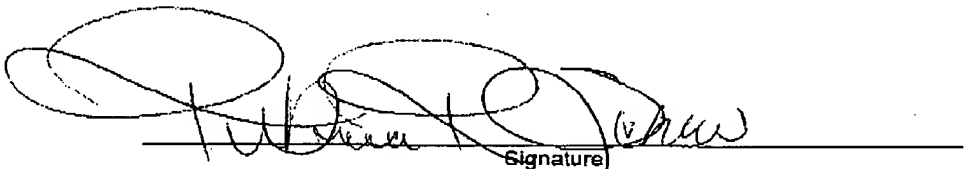

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Rebecca R. Schow
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Transmitted, herewith, are the following documents:

1. Transmittal of Reply Brief with Duplicate Copy (2 pages)
2. Certificate of Transmission (1 page)
3. Reply Brief (10 pages)

10010811-1 09/976,068

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In the Patent Application of

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REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
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Alexandria, VA 22313-1450

Sir:

This is a Reply Brief under Rule 41.41 (37 C.F.R) in response to the Examiner's Answer of March 31, 2008 (the "Examiner's Answer" or the "Answer"). In Section 10, the Answer contains a response to some of the arguments made in Appellant's brief. Appellant now responds to the Examiner's Answer as follows.

(1) Claims 1-3, 6, 9-11, 14 and 16 are patentable over Lopes

Claims 1 and 9:

Claim 1 recites:

> A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:
> a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input through a keyboard or mouse, *wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input through a keyboard or mouse is received*; and
> a lock control device connected to said piece of office equipment, wherein said lock control device is activated to unlock said equipment upon presentation of a physical identifier of an authorized user to a sensor of said lock control device, said sensor sensing a physical presence of said identifier and recognizing said identifier to identify said authorized user,
> wherein said lock control device controls user operation of said office equipment by selectively enabling operation of said office equipment or a resource available through that office equipment based on sensing and recognizing said identifier of said authorized user.

(Emphasis added).

Claim 9 recites similar subject matter as explained in Appellant's Brief.

As demonstrated previously Lopes teaches disabling the use of a computer upon failure to detect a coded message on a badge, i.e., a proximity card, worn by an authorized user. Lopes has not been shown to teach or suggest the claimed system or method including "placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input *through a keyboard or mouse* is received." (Emphasis added). ***Clearly, locking a computer upon failure to detect a proximity card is different that locking a computer due to lack of input through a keyboard or mouse as claimed.***

In response, the Examiner newly argues that Applicant's invention is "well known in the art as a screen saver with locking feature, this is taught in Lopes." (Answer, p. 9). On this point, Lopes teaches "the computer function disabled in step 206 may operate as a screen

saver to prevent visual display of information on the display 112 *when the proximity badge 100 is not in the proximity of the proximity reader 120*. Alternatively or additionally, the computer may enter and remain in a standby mode of operation and lock out any keyboard entry *until the authorized user returns to the room as detected by the proximity reader 120*." (Lopes, col. 4, lines 52-59). (Emphasis added).

As will be readily apparent, Lopes is here again teaching that a screen saver prevents visual display of information "when the proximity badge 100 is not in the proximity of the proximity reader 120." (*Id.*). Again, Appellant must make the point that locking a computer upon failure to detect a proximity card is different that locking a computer due to lack of input through a keyboard or mouse as recited in Appellant's claims.

Continuing, the Answer argues that "Lopes teaches using a proximity card to access a system." (Answer, p. 10). This is correct. The Answer then states "Lopes also teaches utilizing a timer to monitor the period of time before placing the computer in a locked state." (*Id.*). This is also correct, provided that one understands that Lopes teaches timing the amount of time between since detection of the proximity card and placing the computer in a locked state based, not on a lack of user input as claimed, but on the absence of the proximity card.

To demonstrate this, Lopes states the following.

> Step 212 checks the value of the security counter to determine if it is time to check for the presence of the proximity badge 100. ... Once the security counter has reached the maximum count, i.e., the point at which it is desired to check for the presence of the proximity badge 100, then the process returns to step 202 to search for the receipt of the coded message.

(Lopes, col. 5, lines 22-31).

Thus, the Examiner misunderstands and misconstrues what Lopes is timing and why.

Lopes does not teach or suggest, nor is it inherent in Lopes, that a computer is placed into a locked state based on a lack of user input *through a keyboard or mouse* as claimed. Rather, Lopes teaches that the system is locked if a proximity card is *not* detected. (Lopes, abstract). Thus, Lopes does not teach or suggest "wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input through a keyboard or mouse is received."

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least these reasons, the rejection of claims 1 and 9 and their respective dependent claims should not be sustained.

(2) Claims 21, 22, 25 and 26 are patentable over Lopes

Claim 22 recites:

> A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:
>
> a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input, wherein said equipment automatically enters a locked state upon elapse of a first predetermined period of time during which no user input is received; and
>
> a lock control device connected to said piece of office equipment, wherein said lock control device is configured to unlock said piece of office equipment upon presentation of an identifier of an authorized user to a sensor of said lock control device, said sensor sensing and recognizing said identifier to identify said authorized user,
>
> wherein a user initially unlocks said piece of office equipment with entry of at least one password; and
>
> *wherein said lock control device then allows said user to unlock said piece of office equipment with presentation of said identifier and without re-entry of said at least one password, said lock control device being active to unlock said piece of office equipment during a second predetermined period of time following entry of said at least one password, with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time,*

said second predetermined period of time being longer than said first predetermined period of time.

(Emphasis added).

Claim 26 recites similarly as explained in Appellant's Brief.

Thus, claims 22 and 26 recite that a password is entered to initially unlock a piece of office equipment for a predetermined period of time during which a separate identifier can be used instead of the password to unlock the equipment, "with re-entry of said password being required to unlock said piece of office equipment [only] after elapse of said second predetermined period of time." Appellant recites, not just initially unlocking a piece of office equipment with a password, but timing a "second predetermined period of time" during which the password need not be re-entered if another identifier, as claimed, is used.

Appellant has noted that the Examiner has consistently failed to understand what is being recited in claims 22 and 26 and to respond to *all* of the subject matter recited by Appellant in claims 22 and 26. In response, the Answer makes a number of statements, none of which are relevant to the argument being made by Appellant.

According to the Answer, "Lopes also teaches utilizing a timer to monitor the period of time before placing the computer in a locked state." (Answer, p. 11). This is not strictly accurate. As demonstrated above, the only timer Lopes teaches is to time a period of time between checks for the presence of a proximity card. Operation of this timer never results in the computer being placed in a locked state so long as the proximity card is detected.

Moreover, even if Lopes did teach "a timer to monitor the period of time before placing the computer in a locked state," (Answer, p. 11) that is not the entirety of what is recited in claims 22 and 26. Appellant recites in claims 22 and 26, initially unlocking a piece of office equipment with a password ***and*** timing a "second predetermined period of time" during which the password need not be re-entered if another identifier is used. The Examiner

has made no attempt throughout the prosecution of this application to identify this subject matter in the prior art.

Thus, in contrast to claims 22 and 26, Lopes does not teach or suggest initially unlocking a piece of office equipment with a password *and* then timing a "second predetermined period of time" during which the password need not be re-entered if another identifier, as claimed, is used. Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Lopes, did not include the claimed subject matter of claims 22 and 26.

While it is known to use a password to gain access to a computer, the Examiner fails to read any deeper into the recitations of these claims. The Examiner has failed to demonstrate that the scope and content of the prior art included the claimed subject matter of a password that is entered to *initially* unlock a piece of office equipment for a predetermined period of time during which a separate identifier can be used *instead of the password* to unlock the equipment, "with re-entry of said password being required to unlock said piece of office equipment [only] after elapse of said second predetermined period of time."

This difference between the claimed subject matter and the cited prior art is significant. Lopes only teaches the continuous detection of a proximity card authorizing a user to operating a computer. In contrast, Appellant's system does not use or rely on a proximity card, but more flexibly secures a computer or office resource using both a password and an alternative user identifier that can, for a specific time, be used in place of the

password. This subject matter is wholly beyond the scope of the prior art represented by Lopes.

For at least these reasons, Lopes will not support a rejection of claims 22 and 26 under 35 U.S.C. § 103 and *Graham*. Therefore, the rejections of claims 22 and 26 should not be sustained.

(3) Claims 4, 5, 7, 12, 13, 15, 24 and 28 are patentable over Lopes and Gulick

This rejection is respectfully traversed for at least the same reasons given above in regard to the patentability of the corresponding independent claim.

(4) Claims 23 and 27 are patentable over Lopes and Kolls:

Claim 23 recites:

> A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:
> a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input, wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input is received; and
> a lock control device connected to said piece of office equipment, wherein said lock control device is activated to unlock said equipment upon presentation of an identifier of an authorized user to a sensor of said lock control device, said sensor sensing and recognizing said identifier to identify said authorized user,
> wherein said lock control device controls user operation of said office equipment by selectively enabling operation of said office equipment or a resource available through that office equipment based on sensing and recognizing said identifier of said authorized user.
> *wherein said identifier comprises a credit card.*

(Emphasis added).

Claim 27 recites similar subject matter as explained in Appellant's Brief.

The rejection of claims 23 and 27 should not be sustained for at least the same reasons given above with respect to the other independent claims. Moreover, the Examiner has cited

Koll for a teaching of the claimed "lock control device [that] is activated to unlock said equipment upon presentation of an identifier of an authorized user to a sensor of said lock control device" "wherein said identifier comprises a credit card."

Appellant had previously demonstrated that Koll merely teaches the traditional use of a credit card as a means of paying for goods or services. Koll clearly does not teach or suggest the claimed subject matter for which it was cited, i.e., the claimed use of a credit card solely as an "identifier" that identifies a specific user who has previously been designated as an authorized user of the system, as recited in claims 23 and 27, without reference to a financial transaction.

In response, the Answer cites Koll at col. 16, lines 16-21. (Answer, p. 12). This portion of Koll states the following.

> In an exemplary embodiment, a customer can purchase, and/or re-value/transfer value or otherwise re-value and/or obtain a valid "ready-to-use" form of ID (to activate a system 500). For example, ***a customer can present credit card, cash, coin, or other currency means and obtain a debit card, smart card or other ID form***. Access to products and services from the vending machines controlled by way of network 600 can then be obtained with the valid form of ID.

(Koll at col. 16, lines 16-21) (emphasis added).

Thus, Koll, as cited in the Answer, teaches using a credit card to obtain a debit card, smart card or other ID form. The "other" ID form is then used to access and obtain products and services from a vending machine. (*Id.*). This substantiates Appellant's point that Koll merely teaches the traditional use of a credit card as a means of paying for goods or services and does not teach or suggest the claimed system in which a credit card serves as an identifier to unlock a locked piece of office equipment or resource.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in

view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Lopes and Kolls, clearly did not include the idea of using a credit card to identify a pre-authorized user of office equipment outside the context of a financial transaction.

This difference between the claimed subject matter and the cited prior art is significant. Appellant's claimed method and system allow security for office equipment, such as a computer system, without requiring the constant re-entry of a password or the continuous presence of a proximity card as in Lopes. (Appellant's specification, paragraph 0048). This subject matter and its advantages were not available in, and are beyond the scope of, the cited prior art.

For at least these reasons, Lopes and Kolls will not support a rejection of claims 23 and 27 under 35 U.S.C. § 103(a) and *Graham*. For at least these reasons, the rejection of claims 23 and 27 should not be sustained.

In view of the foregoing, it is submitted that the final rejection of the pending claims is improper and should not be sustained. Therefore, a reversal of the Rejection of September 26, 2007 is respectfully requested.

Respectfully submitted,

DATE: May 30, 2008

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Rebecca R. Schow